

1 DANIEL S. ALDERMAN (SBN: 124133)

2 dalderman@ahcalaw.com

3 ALLISON R. HILGERS (SBN: 228862)

4 ahilgers@ahcalaw.com

5 **ALDERMAN & HILGERS, LLP**

6 888 South Figueroa Street, 16TH Floor

7 Los Angeles, California 90017

8 Telephone: (213) 992-8206

9 Facsimile: (213) 992-3272

10 Attorneys for Plaintiff, SPORTSPOWER LTD

11 13 SEP 27 PM 3:29
12 CLERK U.S. DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 LOS ANGELES

15 -FILED

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 SPORTSPOWER, LTD., a Hong Kong
19 corporation,

20 Plaintiff,

21 v.

22 SPORTS OH, LLC, a California limited
23 liability company; WAYFAIR LLC, a
24 Massachusetts limited liability
25 company; DOES 1-10,

26 Defendants.

27 **SACV13-1522 CAS (AGR)**
28 **CASE NO:**

29 *[Assigned to the Honorable]*
30 **COMPLAINT FOR DAMAGES**
31 **AND DECLARATORY RELIEF:**

32 **(1) FEDERAL UNFAIR**
33 **COMPETITION;**
34 **(2) FEDERAL TRADEMARK**
35 **INFRINGEMENT;**
36 **(3) TRADE DRESS**
37 **INFRINGEMENT;**
38 **(4) FALSE DESIGNATION OF**
39 **ORIGIN; AND**
40 **(5) UNFAIR BUSINESS**
41 **PRACTICES [CALIFORNIA**
42 **BUSINESS AND PROFESSIONS**
43 **CODE §17200]**

44 **DEMAND FOR JURY TRIAL**

45
46 Plaintiff SPORTSPOWER, LTD., ("Plaintiff"), by its attorneys, as and for
47 its complaint against Defendants SPORTS OH, LLC and WAYFAIR LLC
48 ("Defendants"), alleges, as follows:

JURISDICTION AND VENUE

1. Plaintiff SPORTSPOWER, LTD., ("Plaintiff") files this action for federal unfair competition, federal trademark infringement, federal trade dress infringement, false designation of origin, and unfair business practices because Defendants have advertised, offered to sell and is selling trampolines on online retail stores under a confusingly similar mark as Plaintiff's registered trademark SPORTSPOWER (the "Registered Mark").

2. Plaintiff has never approved, authorized, consented or licensed defendants to use the Registered Mark. Defendants' merchandise is likely to cause confusion and to deceive consumers regarding its source and also infringes on Plaintiff's trade dress.

3. This Court has subject matter jurisdiction pursuant to 115 U.S.C. §1121 and/or 28 U.S.C. §§ 1331 and/or 1338(a).

4. This Court has personal jurisdiction over Defendant SPORTS OH as it resides in this district, has distributed or sold infringing merchandise within this State, and has sufficient minimum and continuous contacts with this State.

5. This court has personal jurisdiction over Defendant WAYFAIR as it contracted with SPORTS OH in this jurisdiction, sells products in this jurisdiction, and therefore has minimum contacts with this State.

6. Venue is proper in this district under 28 U.S.C. § 1331(b) because upon information and belief, part of the events or omissions giving rise to the claims occurred in this judicial district, and has caused damages to Plaintiff in this district.

PARTIES

7. Plaintiff is now, and was at the time of the filing of this Complaint and at all intervening times, a Hong Kong corporation.

8. Plaintiff alleges, upon information and belief, that Defendant SPORTS OH is now, and was at the time of the filing of this Complaint, a California limited

1 liability company residing and accepting service of process at 2140 S. Yale Street,
2 Unit A, Santa Ana, CA 92704.

3 9. Plaintiff alleges, upon information and belief that defendant WAYFAIR is
4 now, and was at the time of filing of this complaint, a Massachusetts limited
5 liability company residing and accepting service at 177 Huntington Avenue, Suite
6 600, Boston, Ma 02115.

7 **GENERAL ALLEGATIONS**

8 10. Plaintiff is the owner of the registered trademark "SPORTSPOWER"
9 (the "Registered Mark"). SPORTSPOWER has been a Registered Mark since
10 September 9, 2009 under U.S. Registration No. 3,689,452.

11 11. Plaintiff manufactures and sells exercise trampolines. The Registered
12 Mark is displayed on Plaintiff's exercise trampolines as the name of the product
13 brand. Plaintiff has been manufacturing and selling the exercise trampolines under
14 the Registered Mark since 1996. Plaintiff sells its products on various online retail
15 stores, including Walmart.com, Sears.com and other major retailers. In addition,
16 plaintiff sells its products at major chains in the stores themselves.

17 12. Plaintiff has spent millions of dollars to promote the product on the
18 market and build its reputation in the industry.

19 13. Approximately two years ago, Defendant Wayfair approached Plaintiff
20 because it wanted to distribute a Sportspower trampoline. Plaintiff did not agree to
21 allow Wayfair to distribute the trampoline. However, subsequently, Plaintiff
22 discovered that SPORTS OH, without Plaintiff's consent, with the help and
23 assistance of Wayfair is offering for sale and has been selling a product called
24 Sports Oh Power Trampoline Super 7 Ft. Trampoline & Enclosure Combo (the
25 "infringing trampoline") on and through various online retail websites, including
26 eBay.com, Wayfair.com, Walmart.com, Sears.com, Dealtime.com,
27 Priceviewer.com, Shopping.com, and Bizrate.com.

14. The products being sold by the defendants is advertised as a Sports Oh Power trampoline. The model being sold very closely resembles a current and well selling Sportspower model. It is evident that Sports Oh Power is confusingly similar to Sportspower and the name was used to try and infringe on Sportspower's sales.

15. Plaintiff believes SPORTS OH reached an agreement with WAYFAIR to act as a distributor for its trampoline product

16. Plaintiff has never given Defendants approval, authority, consent or license to use the Registered Mark in the sale and distribution of the infringing trampoline.

17. On July 22, 2013, Plaintiff's counsel sent a cease and desist letter to Defendant WAYFAIR, who was distributing the product notifying of its trademark infringement and advising that Plaintiff was pursuing legal action.

18. Defendant's advertisement, promotion, distribution, sale and offering to sell the infringing trampoline is likely to cause confusion or to cause mistake and/or deceive consumers who purchase Defendant's infringing trampoline.

FIRST CLAIM FOR RELIEF

Federal Unfair Competition

Under 15 U.S.C. § 1125(a) [LANHAM ACT § 43(a)]

19. Plaintiff repeats paragraphs 1 through 18, above, and incorporate the allegations thereof as if herein set forth in their entirety in this cause of action.

20. Defendant's use of the words "Sports Oh Power" in the brand name of the infringing trampoline is in direct competition with Plaintiff's trampolines sold under the Registered Mark and constitutes unfair competition pursuant to 15 U.S.C. §1125(a).

21. Defendant's unfair competition has caused and/or will continue to cause irreparable injury and other damage to Plaintiff's business, reputation and goodwill

1 in its exercise trampolines sold under the Registered Mark, to which Plaintiff has
2 no adequate remedy at law.

3 **SECOND CLAIM FOR RELIEF**

4 **Federal Trademark Infringement**

5 **Under 15 U.S.C. § 1114 [LANHAM ACT § 43(a)]**

6 22. Plaintiff repeats paragraphs 1 through 21, above, and incorporate the
7 allegations thereof as if herein set forth in their entirety.

8 23. Defendant's actions described herein constitute direct trademark
9 infringement in violation of 15 U.S.C. § 1114(1)(a).

10 24. As a proximate result of Defendant's trademark infringement, Plaintiff
11 has been damaged in an amount to be proven at trial. Further, Plaintiff alleges
12 upon information and belief that, as a proximate result of Defendant's trademark
13 infringement, Defendant has unlawfully profited in an amount to be proven at trial.

14 25. At all relevant times herein, Defendant acted intentionally and/or
15 willfully in putting on online advertising materials and listing for sale the
16 infringing trampoline, knowing that the Registered Mark belonged to Plaintiff, that
17 the goods actually sold were in fact not Plaintiff's products, and that Defendant
18 was not authorized to use the Registered Mark to elicit sales for its products.

19 Plaintiff is therefore entitled to recovery of treble damages pursuant to 15 U.S.C. §
20 1117(a). Additionally, Defendant's knowing, intentional and/or willful actions
21 make this an exceptional case entitling Plaintiff to an award of reasonable attorney
22 fees pursuant to 15 U.S.C. § 1117(a).

23 26. The acts of direct trademark infringement committed by Defendant have
24 caused and/or will continue to cause Plaintiff irreparable harm unless they are
25 enjoined by this Court.

26 ///

27 ///

28 ///

THIRD CLAIM FOR RELIEF

Trade Dress Infringement

15 U.S.C. § 1125(a) [LANHAM ACT § 43(a)]

27. Plaintiff repeats paragraphs 1 through 26, above, and incorporate the allegations thereof as if herein set forth in their entirety.

28. Defendant's advertisement, promotion, distribution, sales and offers of sales of the infringing trampoline, as alleged in detail above, are prohibited by Section 43(a) of the Lanham Act and constitute trade dress infringement.

29. Defendant's false and misleading representations about the source or origin of its trampoline are likewise prohibited under Section 43(a).

30. Defendant's trade dress infringement has damaged and continues to damage Plaintiff in an amount to be proven at trial.

31. Because Defendant made and continues to make false and/or misleading representations of fact about the infringing trampoline in intentional disregard of their falsity and/or misleading nature, Plaintiff is entitled to an award of enhanced damages. Furthermore, this is an exceptional case entitling Plaintiff to an award of reasonable attorney fees pursuant to 15 U.S.C. § 1117(a).

32. The acts of Defendant making and continuing to make false and/or misleading representations of fact about the infringing trampoline have caused and/or will continue to cause Plaintiff irreparable harm unless they are enjoined by this Court.

FOURTH CLAIM FOR RELIEF

False Designation of Origin

15 U.S.C. § 1125(a) [LANHAM ACT § 43(a)]

33. Plaintiff repeats paragraphs 1 through 32, above, and incorporate the allegations thereof as if herein set forth in their entirety.

三

1 34. In connection with Defendant's advertisement, promotion, distribution,
2 sales and offers of sales of the infringing trampoline, Defendant has used in
3 commerce, and continues to use in commerce the Registered Mark.

4 35. In connection with Defendant's advertisement, promotion, distribution,
5 sales and offers of sales of the infringing trampoline, Defendant has applied and
6 used false designations of origin and false and misleading descriptions and
7 representations, including the Registered Mark, which tend falsely to describe the
8 origin, sponsorship, association or approval by Plaintiff of the goods which
9 Defendants sell.

10 36. Defendants have used the Registered Mark with full knowledge of the
11 falsity of such designations of origin, descriptions and representations, all to the
12 detriment of Plaintiff.

13 37. Defendants use of the Registered Mark on the website of online retail
14 stores and on the infringing trampoline constitutes false descriptions and
15 representations tending falsely to describe or represent Defendant's product as
16 being authorized, sponsored, affiliated or associated with Plaintiff.

17 38. Defendants have used the Registered Mark on the website of online
18 retail stores and on the infringing trampoline with the express intent to cause
19 confusion and mistake, to deceive and mislead the public, to trade upon the
20 reputation of Plaintiff and to improperly appropriate the valuable trademark rights
21 of Plaintiff.

22 39. Defendant's infringing acts constitute the use in commerce of false
23 designations of origin and false or misleading descriptions or representations,
24 tending to falsely or misleadingly describe or represent the infringing trampoline as
25 that of Plaintiff in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §
26 1125(a).

27 40. As a direct and proximate result of Defendant's infringing acts, Plaintiff
28 has suffered and continues to suffer and/or is likely to suffer damage to its business

1 reputation and goodwill. Defendant will continue, unless restrained, to use a brand
2 name that is confusingly similar to the Registered Mark, which will cause
3 irreparable damage to Plaintiff. Because Plaintiff has no adequate remedy at law,
4 Plaintiff is entitled preliminary and permanent injunctive relief ordering Defendant
5 to cease further acts of false designation of origin. Such harm will continue and
6 increase until Defendants are preliminarily and permanently enjoined from its
7 unlawful conduct.

8 41. Plaintiff is further entitled to recover from Defendant the actual
9 damages that it sustained and/or is likely to sustain as a result of Defendant's
10 infringing acts. The full extent of the monetary damages that Plaintiff has suffered
11 and/or is likely to suffer will be proven at trial.

12 42. Because of the willful nature of Defendant's infringing acts, Plaintiff is
13 entitled to treble damages and reasonable attorney's fees pursuant to 15 U.S.C. §
14 1117(a).

15 **FIFTH CLAIM FOR RELIEF**

16 **Unfair Business Practices**

17 **Cal. Bus. & Prof. Code Code § 17200 et seq.**

18 43. Plaintiff repeats paragraphs 1 through 42, above, and incorporate the
19 allegations thereof as if herein set forth in their entirety.

20 44. Cal. Bus. & Prof. Code § 17200, et seq., states that unfair competition
21 shall mean and include any "unlawful, unfair or fraudulent business act or
22 practice."

23 45. Defendant's infringing acts as alleged herein constitute unfair business
24 acts and/or practices within the meaning of Cal. Bus. & Prof. Code § 17200, et seq.

25 46. Defendant's conduct constitutes unfair business acts and/or practices
26 because Defendants have unfairly used and infringed Plaintiff's Registered Mark
27 while engaging in its business practice.

1 47. Defendant's conduct constitutes fraudulent business acts and practices
2 because Defendants have deceptively and unfairly marketed, advertised, sold, and
3 or distributed a product under a brand name that is confusingly similar to the
4 Registered Mark.

5 48. As a direct and proximate result of Defendant's wrongful act, Plaintiff is
6 likely to suffer and/or has suffered, and is likely to continue to suffer damage to its
7 business reputation and goodwill. Defendants will continue, unless restrained, to
8 use the marks, and to deceptively and unfairly market, advertise, and promote its
9 business all to the irreparable damage of Plaintiff. Because Plaintiff has no
10 adequate remedy at law, pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiff is
11 entitled to preliminary and permanent injunctive relief ordering Defendant to cease
12 this unfair competition.

13 49. Plaintiff is further entitled to recover from Defendants the actual
14 damages, including the disgorgement of profits associated with Defendant's
15 unlawful business acts and practices, that it sustained and/or is likely to sustain as a
16 result of Defendant's infringing acts. The full extent of the monetary damages that
17 Plaintiff has suffered and/or is likely to suffer will be proven at trial.

18 50. Because of the willful nature of Defendant's infringing acts, Defendants
19 are also liable to Plaintiff for an award of punitive damages.

20 **PRAYER FOR JUDGMENT AND RELIEF**

21 1. A determination that defendants have violated plaintiff's trademarks.
22 2. General and statutory damages.
23 3. Treble damages and attorneys' fees.
24 4. Such other and further relief as the court deems just and proper.
25 5. A permanent injunction and other injunctive relief as may be appropriate.
26 6. Punitive damages

27 ///

28 ///

1 PLAINTIFF DEMANDS A JURY TRIAL

2 Dated: September 23, 2013.

3 ALDERMAN & HILGERS, LLP

4 By: 

5 DANIEL S. ALDERMAN
6 Attorneys for plaintiff, SPORTSPOWER, LTD.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Christina A. Snyder and the assigned Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

8:13CV1522 CAS AGRx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

September 27, 2013

Date

By J.Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT
for the
Central District of California

SPORTSPOWER, LTD., a Hong Kong corporation,

SACV13-1522 (CAS (AGR-x))
Civil Action No.

Plaintiff(s)

v.

SPORTS OH, LLC, a California limited liability
company, WAYFAIR LLC, a Massachusetts limited
liability company, DOES 1-10

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Daniel S. Alderman, Esq.
ALDERMAN & HILGERS, LLP
888 S. Figueroa Street, 16th Floor
Los Angeles, CA 90017

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 27 2013

Date:

CLERK OF COURT

JULIE PRADO

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

I. (a) PLAINTIFFS (Check box if you are representing yourself <input checked="checked" type="checkbox"/>) SPORTSPOWER, LTD., a Hong Kong Corporation		DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) SPORTS OH, LLC, a California limited liability company; WAYFAIR LLC, a Massachusetts limited liability company; Roes 1-50																																																																																																																																							
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.) Daniel S. Alderman, Esq. (SBN: 124133) ALDERMAN & HILGER, LLP 888 S. Figueroa Street, 16th Floor Los Angeles, CA 90017		(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)																																																																																																																																							
II. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)																																																																																																																																							
<input type="checkbox"/> 1. U.S. Government Plaintiff	<input checked="checked" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)	Citizen of This State <input type="checkbox"/> 1 <input checked="checked" type="checkbox"/> 1 Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4																																																																																																																																							
<input type="checkbox"/> 2. U.S. Government Defendant	<input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2 <input checked="checked" type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5																																																																																																																																							
		Citizen or Subject of a Foreign Country <input checked="checked" type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6																																																																																																																																							
IV. ORIGIN (Place an X in one box only.)																																																																																																																																									
<input checked="checked" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multi-District Litigation																																																																																																																																				
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No		(Check "Yes" only if demanded in complaint.)																																																																																																																																							
CLASS ACTION under F.R.Cv.P. 23: <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No		MONEY DEMANDED IN COMPLAINT: \$																																																																																																																																							
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15-U.S.C. 1125(A), 15 U.S.C. 1114																																																																																																																																									
VII. NATURE OF SUIT (Place an X in one box only).																																																																																																																																									
<table border="1"> <thead> <tr> <th>GENERAL</th> <th>COVERAGE</th> <th>DISPUTE INVOLVING CONTRACT</th> <th>DISPUTE INVOLVING PROPERTY</th> <th>DISPUTE INVOLVING PERSON</th> <th>DISPUTE INVOLVING TAXES</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> 375 False Claims Act</td> <td><input type="checkbox"/> 110 Insurance</td> <td><input type="checkbox"/> 240 Torts to Land</td> <td><input type="checkbox"/> 462 Naturalization Application</td> <td>Habeas Corpus:</td> <td><input type="checkbox"/> 820 Copyrights</td> </tr> <tr> <td><input type="checkbox"/> 400 State Reapportionment</td> <td><input type="checkbox"/> 120 Marine</td> <td><input type="checkbox"/> 245 Tort Product Liability</td> <td><input type="checkbox"/> 465 Other Immigration Actions</td> <td><input type="checkbox"/> 463 Alien Detainee</td> <td><input type="checkbox"/> 830 Patent</td> </tr> <tr> <td><input type="checkbox"/> 410 Antitrust</td> <td><input type="checkbox"/> 130-Miller Act</td> <td><input type="checkbox"/> 290 All Other Real Property</td> <td></td> <td><input type="checkbox"/> 510 Motions to Vacate Sentence</td> <td><input checked="checked" type="checkbox"/> 840 Trademark</td> </tr> <tr> <td><input type="checkbox"/> 430 Banks and Banking</td> <td><input type="checkbox"/> 140 Negotiable Instrument</td> <td></td> <td></td> <td><input type="checkbox"/> 530 General</td> <td><input type="checkbox"/> 861 HIA (1395ff)</td> </tr> <tr> <td><input type="checkbox"/> 450 Commerce/ICC Rates/Etc.</td> <td><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</td> <td><input type="checkbox"/> 310 Airplane</td> <td><input type="checkbox"/> 370 Other Fraud</td> <td><input type="checkbox"/> 535 Death Penalty</td> <td><input type="checkbox"/> 862 Black Lung (923)</td> </tr> <tr> <td><input type="checkbox"/> 460 Deportation</td> <td><input type="checkbox"/> 151 Medicare Act</td> <td><input type="checkbox"/> 315 Airplane Product Liability</td> <td><input type="checkbox"/> 371 Truth in Lending</td> <td></td> <td><input type="checkbox"/> 863 DIWC/DIWW (405 (g))</td> </tr> <tr> <td><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.</td> <td><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)</td> <td><input type="checkbox"/> 320 Assault, Libel & Slander</td> <td><input type="checkbox"/> 380 Other Personal Property Damage</td> <td><input type="checkbox"/> 540 Mandamus/Other</td> <td><input type="checkbox"/> 864 SSID Title XVI</td> </tr> <tr> <td><input type="checkbox"/> 480 Consumer Credit</td> <td><input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits</td> <td><input type="checkbox"/> 330 Fed. Employers' Liability</td> <td><input type="checkbox"/> 385 Property Damage Product Liability</td> <td><input type="checkbox"/> 550 Civil Rights</td> <td><input type="checkbox"/> 865 RSI (405 (g))</td> </tr> <tr> <td><input type="checkbox"/> 490 Cable/Sat TV</td> <td><input type="checkbox"/> 160 Stockholders' Suits</td> <td><input type="checkbox"/> 340 Marine</td> <td></td> <td><input type="checkbox"/> 555 Prison Condition</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 850 Securities/Commodities/Exchange</td> <td><input type="checkbox"/> 190 Other Contract</td> <td><input type="checkbox"/> 345 Marine Product Liability</td> <td></td> <td><input type="checkbox"/> 560 Civil Detainee Conditions of Confinement</td> <td></td> </tr> <tr> <td>890 Other Statutory Actions</td> <td><input type="checkbox"/> 195 Contract Product Liability</td> <td><input type="checkbox"/> 350 Motor Vehicle</td> <td><input type="checkbox"/> 422 Appeal 28 USC 158</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> 891 Agricultural Acts</td> <td><input type="checkbox"/> 196 Franchise</td> <td><input type="checkbox"/> 355 Motor Vehicle Product Liability</td> <td><input type="checkbox"/> 423 Withdrawal 28 USC 157</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> 893 Environmental Matters</td> <td></td> <td><input type="checkbox"/> 360 Other Personal Injury</td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> 895 Freedom of Info. Act</td> <td></td> <td><input type="checkbox"/> 362 Personal Injury-Med Malpractice</td> <td><input type="checkbox"/> 440 Other Civil Rights</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> 896 Arbitration</td> <td></td> <td><input type="checkbox"/> 365 Personal Injury-Product Liability</td> <td><input type="checkbox"/> 441 Voting</td> <td></td> <td></td> </tr> <tr> <td>899 Admin. Procedures Act/Review of Appeal of Agency Decision</td> <td></td> <td><input type="checkbox"/> 367 Health Care/Pharmaceutical</td> <td><input type="checkbox"/> 442 Employment</td> <td><input type="checkbox"/> 710 Fair Labor Standards Act</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 950 Constitutionality of State Statutes</td> <td></td> <td><input type="checkbox"/> 210 Land Condemnation</td> <td><input type="checkbox"/> 443 Housing/Accommodations</td> <td><input type="checkbox"/> 720 Labor/Mgmt. Relations</td> <td></td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> 220 Foreclosure</td> <td><input type="checkbox"/> 445 American with Disabilities-Employment</td> <td><input type="checkbox"/> 740 Railway Labor Act</td> <td></td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> 230 Rent Lease & Ejectment</td> <td><input type="checkbox"/> 446 American with Disabilities-Other</td> <td><input type="checkbox"/> 751 Family and Medical Leave Act</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td><input type="checkbox"/> 448 Education</td> <td><input type="checkbox"/> 790 Other Labor Litigation</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td><input type="checkbox"/> 791 Employee Ret. Inc. Security Act</td> <td></td> </tr> </tbody> </table>						GENERAL	COVERAGE	DISPUTE INVOLVING CONTRACT	DISPUTE INVOLVING PROPERTY	DISPUTE INVOLVING PERSON	DISPUTE INVOLVING TAXES	<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130-Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input checked="checked" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument			<input type="checkbox"/> 530 General	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 863 DIWC/DIWW (405 (g))	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405 (g))	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement		890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 422 Appeal 28 USC 158			<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157			<input type="checkbox"/> 893 Environmental Matters		<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 895 Freedom of Info. Act		<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 440 Other Civil Rights			<input type="checkbox"/> 896 Arbitration		<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 441 Voting			899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 367 Health Care/Pharmaceutical	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act		<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations				<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act				<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act					<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation						<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
GENERAL	COVERAGE	DISPUTE INVOLVING CONTRACT	DISPUTE INVOLVING PROPERTY	DISPUTE INVOLVING PERSON	DISPUTE INVOLVING TAXES																																																																																																																																				
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights																																																																																																																																				
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent																																																																																																																																				
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130-Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input checked="checked" type="checkbox"/> 840 Trademark																																																																																																																																				
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument			<input type="checkbox"/> 530 General	<input type="checkbox"/> 861 HIA (1395ff)																																																																																																																																				
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 862 Black Lung (923)																																																																																																																																				
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 863 DIWC/DIWW (405 (g))																																																																																																																																				
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 864 SSID Title XVI																																																																																																																																				
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405 (g))																																																																																																																																				
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 555 Prison Condition																																																																																																																																					
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement																																																																																																																																					
890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 422 Appeal 28 USC 158																																																																																																																																						
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157																																																																																																																																						
<input type="checkbox"/> 893 Environmental Matters		<input type="checkbox"/> 360 Other Personal Injury																																																																																																																																							
<input type="checkbox"/> 895 Freedom of Info. Act		<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 440 Other Civil Rights																																																																																																																																						
<input type="checkbox"/> 896 Arbitration		<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 441 Voting																																																																																																																																						
899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 367 Health Care/Pharmaceutical	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act																																																																																																																																					
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations																																																																																																																																					
		<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act																																																																																																																																					
		<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act																																																																																																																																					
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation																																																																																																																																					
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act																																																																																																																																					

FOR OFFICE USE ONLY:

Case Number: SACV13-1522

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?

Yes No

If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.

STATE CASE WAS PENDING IN THE COUNTY OF	INITIAL DIVISION IN CALIFORNIA
<input type="checkbox"/> Los Angeles	Western
<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
<input type="checkbox"/> Orange	Southern
<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?

Yes No

If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.

STATE CASE WAS PENDING IN THE COUNTY OF	INITIAL DIVISION IN CALIFORNIA
<input type="checkbox"/> Los Angeles	Western
<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
<input type="checkbox"/> Orange	Southern
<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	Western

Indicate the location in which a majority of plaintiffs reside:	Los Angeles	Ventura, Santa Barbara, or San Luis Obispo	Orange	Riverside or San Bernardino	Other	Indicate the location in which a majority of defendants reside:	Los Angeles	Ventura, Santa Barbara, or San Luis Obispo	Orange	Riverside or San Bernardino	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:

2 or more answers in Column C
 only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the
SOUTHERN DIVISION.
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. 

C.2. Is either of the following true? If so, check the one that applies:

2 or more answers in Column D
 only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the
EASTERN DIVISION.
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. 

Your case will initially be assigned to the
WESTERN DIVISION.
Enter "Western" in response to Question D below.

Enter the initial division determined by Question A, B, or C above: 	<i>Western</i>
---	----------------

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): Daniel S. Alderman:



DATE: September 24, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923).
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))